IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9680 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BALDEVBHAI TRIBHUVANBHAI BAROT

Versus

MEDICAL SUPERINTENDENT

Appearance:

1. Special Civil Application No. 9680 of 2001

MR SV PARMAR for Petitioner No. 1-2

MS PREETI S PARMAR for Petitioner No. 1-2

Mr.Mehta, AGP for Respondent No. 1-2

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 10/03/2003

ORAL JUDGEMENT

With the consent of parties upon the note for fixing date of final hearing, matter is taken up for final hearing.

2. Having heard Ms.Parmar for the petitioner and Mr.Mehta, Ld.AGP for the respondents, it agreed by both sides and there is no dispute on the point that the present case is covered by the decision of this court (Coram:S.K.Keshote,J) dated 5.5.99 in SCA No.8909/98 and others. There is also no dispute on the point that the appeal against the decision, dated 5.5.99 appeal being LPA No.904/99 and others is dismissed by the Division Bench of this court (Coram: B.C.Patel,J(as His Lordship then was) and R.R.Tripathi,J) on 13.2.01.

3. In the above view of the matter, the petitioners of this petition would be entitled to the same benefit as it has been confirmed on the petitioners of SCA No.8909/98 by decision dated 5.5.99 except with the change that the present petitioners would be entitled to the benefits from the date of filing of present petition i.e. 16.10.01.

4. The petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

5. Office shall also forward the copy of the order, dated 5.5.99 of this court in SCA No.8909/98 together with the writ of this judgment.

10.3.03 (JAYANT PATEL,J)